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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

<b>UNITED STATES OF AMERICA,</b>	)	Case No. CR 05-60008-HO
	)	
Plaintiff,	)	DEFENDANT'S RESPONSE TO
	)	GOVERNMENT'S MOTION
vs.	)	(CR 572) TO REMAND
	)	DEFENDANT
<b>PIROUZ SEDAGHATY</b>	)	PENDING SENTENCING
	)	Request for Oral Argument
Defendant.	)	

Defendant, Pirouz Sedaghaty, by his attorneys Lawrence Matasar and Steven T. Wax, hereby responds to the Government's Motion (CR 572) to take defendant into custody pending sentencing.

Pete Seda travelled thousands of miles to surrender to the government on this charge. He has been on pretrial release without incident for more than three years. The government lists four factors, CR 572 p. 3, which it claims justify detention:

1. (A) Pete Seda comes from a country, Iran, which has no extradition treaty with the United States. (B) Another Iranian, in a completely different case, fled to Iran.<sup>1</sup>

2. (A) Pete Seda has travelled throughout the Middle East. (B) His co-defendant is a Saudi.

3. After Pete Seda learned of his indictment while abroad, he failed to surrender immediately.

4. The Court's recent ruling denying Mr. Seda's post-trial motions extinguished defendant's hope, thus giving him an incentive to flee.

This Court has previously rejected the first three factors in favor of release and it should reject them again here. Thus, the government can only logically rely on its fourth factor, a psychological argument without any data, to suggest that Mr. Seda might flee. This Court should also reject this factor.

Mr. Sedaghaty, a naturalized citizen and former owner of an arborist business, is a long time and prominent member of the Southern Oregon Muslim and peace communities. He has strong family ties to Oregon. Several prominent Oregonians have testified about his integrity and his commitment throughout this case – at the initial release hearings, at trial and at sentencing. For example, Former Jackson County Commissioner and Southern Oregon Radio personality Jeff Golden testified at the release hearing: "I feel very strongly he's a positive force in the community, and I believe there's a very wide consensus in Ashland that would say the same thing. . . . I would say that it has to do with the steadiness and tenacity of his effort to reach out, to represent Islam as a legitimate and peaceful religion in a time of – when that's been brought into question." Tr. August 22, 2007, p. 147. *See also*, Tr. September 3, 2010, pp.

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<sup>1</sup> The government presents no reasons why Mr. Seda's situation is similar to Mr. Monem's, other than that they are both Iranians. In the limited time available to review the PACER file on *United States v. Monem*, CR 07-60093-AA, the defense has found no similarities in the cases.

33-41 (Rabbi David Zaslow testimony); Tr. September 3, 2010, pp. 155-59 (Minister Caren Caldwell testimony).

Mr. Seda's conduct throughout this case shows he is not a flight risk. When he made his decision to return: it was certain that he would be initially detained upon arrival; it was possible that he would be detained through trial and beyond; and, it was possible that a grand jury would issue a superseding indictment adding charges of supporting terrorism which would result in imprisonment for the rest of his life.

Near the end of this case, after the government's discovery violations led to his post-trial release, Pete Seda continues to obey the Court's release orders. Significantly, on August 12, 2011, after the government filed its motion to take him into immediate custody, when he knew he could be arrested by the FBI at any moment, Pete Seda appeared at an Iftar ceremony celebrating the end of a day of Ramadan fasting at the Muslim Community Center of Portland, knowing that the community guests at this event included Oregon's leading FBI agents and United States Attorney Dwight Holton.

Mr. Seda is not a flight risk. The government's motion should be denied.

RESPECTFULLY SUBMITTED this 15th day of August, 2011.

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